UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: MARGARET ANN PLASENCIA- : CHAPTER 13

CHINIEWICZ

Debtor(s)

:

CHARLES J. DEHART, III

STANDING CHAPTER 13 TRUSTEE

Movant

VS.

:

MARGARET ANN PLASENCIA

CHINIEWICZ

Respondent(s) : CASE NO. 5-20-bk-02376

TRUSTEE'S OBJECTION TO CHAPTER 13 PLAN

AND NOW, this 14th day of September, 2020, comes Charles J. DeHart, III, Standing Chapter 13 Trustee, and objects to the confirmation of the above-referenced debtor(s)' plan for the following reason(s):

- 1. Debtor(s)' plan violates 11 U.S.C. Sec. 1325(a)(4) in that the value of property to be distributed under the plan on account of each allowed unsecured claim is less than the amount that would be paid on such claim if the estate were liquidated under Chapter 7. More specifically, debtor's have excess non-exempt equity in the following:
 - a. Residential real estate (joint claims)
- 2. Trustee avers that debtor(s)' plan is not feasible and cannot be administered due to the lack of the following:
 - a. Last paystub dated September, 2020.
- 3. The Trustee provides notice to the Court as to the ineffectiveness of debtor(s) Chapter 13 Plan for the following reasons:
 - a. Clarification of vesting of property.

WHEREFORE, Trustee alleges and avers that debtor(s) plan is nonconfirmable and therefore Trustee prays that this Honorable Court will:

a. Deny confirmation of debtor(s) plan.

- b. Dismiss or convert debtor(s) case.
- c. Provide such other relief as is equitable and just.

Respectfully submitted:

/s/Charles J. DeHart, III Standing Chapter 13 Trustee 8125 Adams Drive, Suite A Hummelstown, PA 17036 (717) 566-6097

CERTIFICATE OF SERVICE

AND NOW, this 16th day of September, 2020, I hereby certify that I have served the within Objection by electronically notifying parties or by depositing a true and correct copy of the same in the United States Mail at Harrisburg, Pennsylvania, postage prepaid, first class mail, addressed to the following:

Vincent Rubino, Esquire 712 Monroe Street P.O. Box 511 Stroudsburg, PA 18360

/s/Deborah A. Behney
Office of Charles J. DeHart, III
Standing Chapter 13 Trustee